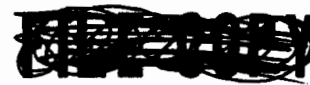


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July 23, 2007

**MEMO ENDORSED**

**BY FACSIMILE (212)805-0426**

Hon. Laura Taylor Swain  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 755  
New York, New York 10007-1312

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Harstell Corp. d/b/a Oasis Day Spa v. Haeri Lee's Nail Corp. et al.  
Civil Action No. 07-CV-3105(LTS)

Dear Judge Swain:

I am counsel for plaintiff in the above captioned action. I am writing to request an adjournment of the conference scheduled for July 26, 2007 and submission of the preliminary pre-trial statement, as outlined in the initial conference order of April 25, 2007. No prior request for similar relief has been made.

The reason for this request is that the defendants have not yet been served. This is an action to compel compliance with a previously-issued Preliminary Injunction and Consent Judgment endorsed by Your Honor in Civil Action No. 04-05987 (LTS) on January 20, 2005. Pursuant to the injunction, the defendants were prohibited from using the words "OASIS" and "SPA" in combination. Defendants have violated the order by changing the name of their Second Avenue retail location to "Oasis Nail Spa."

Although I filed the complaint in this action, I did not serve it. Instead, I intend to serve the complaint along with an Order to Show Cause and motion for contempt sanctions. The proposed Order and motion papers will be presented to Your Honor for endorsement this week. Having violated the aforementioned injunction, defendants should be held liable for the fees incurred by my client in its attempt to enforce the order.

Copies mailed *for* counsel / reund 7/24/07  
Chambers of Judge Swain

Hon. Laura Taylor Swain  
July 23, 2007  
Page 2

Accordingly, plaintiff requests that the deadlines for submission of the joint discovery plan and the conference scheduled for July 26, 2007 should be adjourned.


Respectfully submitted,

  
Bruce D. Katz

BDK/mm

The conference is adjourned to  
September 14, 2007 at 4:15pm  
and the related deadlines are  
modified accordingly.

SO ORDERED.

 7/23/07  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE